

VIA ECF

Hon. Lorna G. Schofield
Thurgood Marshall, United States Courthouse
40 Foley Square
New York, NY 10007

Dear Judge Schofield,

The parties jointly write to request a stay of all deadlines in the above-referenced matter. According to Your Honor's Individual Rules and Procedures for Civil Cases, Section I, B, 3, the parties must have "compelling reasons" to request the adjournment of deadlines. All parties respectfully submit that this standard is met here. Specifically, there is a compelling need for a stay of deadlines because the parties have agreed to engage in a global mediation of all pending disputes among them, including not only this litigation but all other litigations and arbitrations between or involving them. Those proceedings include the lawsuit in Chicago, a multi-party arbitration in Chicago, and a multi-party arbitration in California. In the parties' judgment, now is a unique and opportune time to mediate all four cases together—an opportunity that likely will not arise in the future. That being said, the agreed-upon global mediation is logically complicated and the parties expect this to be no small endeavor. The requested stay will allow the parties to agree on an experienced mediator, accommodate the mediator's schedule (including the real likelihood that the mediator will not have availability until later in the summer), prepare mediation submissions addressing multiple complex cases involving numerous parties, allow time for the mediator to review the materials, and ultimately engage in a multi-party in-person mediation of all pending disputes, which the parties are targeting will occur in August 2023.

Relevant here, although the parties completed a substantial amount of discovery (including the production of tens of thousands of pages of documents and 15 depositions), there is still work to be done (including at least 8 depositions, third-party document productions, outstanding discovery disputes, expert discovery, and dispositive motion practice). A stay of the deadlines is necessary so that the parties may allocate their resources to settlement, as opposed to litigation. If the parties continue to expend resources aggressively litigating this case as they have, the parties believe this would be a serious impediment to any possibility of resolution.

Accordingly, for the above-referenced reasons, the parties respectfully request that the deadlines in this case be stayed, and that the pre-motion conference currently scheduled for September 20, 2023 at 4:20 pm be converted to a status conference where, if the case does not resolve, the parties will be prepared to propose to the Court a schedule with revised deadlines.

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We appreciate the Court's attention to this matter, and would welcome a conference at the Court's convenience should the Court have any questions or wish to discuss this matter.

Respectfully Submitted,

/s/ Jessica Pizzutelli
Jessica Pizzutelli

/s/ Michael Platt
Michael Platt

/s/ Jeff Widman
Jeff Widman

cc: All Counsel of Record